

IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 217 OF 2007

SHRI. ROHIDAS S. VOLVOIKAR AND 6

ORS.,

... Petitioners

Versus

SHRI. SHRIRAM V. VOLVOIKAR AND 13

ORS.,

... Respondents

Mr. J. Godinho, Advocate for the Petitioners.

Coram:- S.A.BOBDE, J.

Date:- 20th April, 2007

P.C.:

By this Writ Petition, the petitioners are challenging the Order of the learned Civil Judge, Senior Division, Mapusa dated 29.3.07 declining permission to the petitioners to file their written statement. The petitioners were served with the summons in the Suit on 18.11.06. The period of 90 days expired somewhere in January, 2007. The petitioners did not file any written statement. Thereafter they made an application on 29.3.07 for permission to file their written statement. The Court has rejected this application on the ground that no exceptional ground is made out for extension. The learned Civil Judge S.D., Mapusa has noted that the extension of time to file the written statement is sought merely on a vague statement that one family member is sick. There is no mention of who the family member is and no evidence has been produced in support of the said statement. The application seems to have been filed with a cavalier attitude.

In this view of the matter, there is no reason to exercise the extraordinary jurisdiction of this Court under Article 226 of the Constitution.

The petition is dismissed.

S.A.BOBDE, J.

sl.